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MESSAGE NO. 1

OF

HIS EXCELLENCY, F. W. PICKENS,

TO

THE LEGISLATURE,

AT THE

REGULAR SESSION OF NOVEMBER, 1862.

C

COLUMBIA, S. C.:
CHARLES P. PELHAM STATE, PRINTER.
1862.

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MESSAGE NO. 1.

Gentlemen of the Senate and House of Representatives:

Since the last Legislature met, the country has gone through scenes such as are but seldom witnessed in the destiny of a people. Amid the fierce and bloody conflicts through which we have passed, South Carolina has lost many of her bravest and most talented sons, and whilst we deeply feel and grieve for their loss, we yet are consoled by the proud reflection that the urns which hold their ashes will stand around our household altars as precious mementoes, to be loved and cherished through all time. I trust that you will immediately take steps to provide for the families of our heroic dead in such a manner that none shall feel the sufferings of want. It is our solemn duty to discharge this, our first debt of gratitude. An agent has been appointed to make a roll from the most authentic sources, and this will aid your deliberations in ascertaining where there may be any want amongst the families of such as have fallen in our defence.

The country is in a far stronger condition for defence than it was a year ago. All the arms and munitions of war are more abundant, and we are now making for ourselves such necessary supplies as last year we were entirely without. Pressure and difficulty have forced up productions not thought of before. These stern lessons are necessary to make us, in reality, an independent people. If our nationality had been admitted without a struggle, such compromises, relating to trade and commerce, might have been entered into as would, in the progress of time, have brought us practically back into colonial servitude. Whereas our independence, achieved by suffering and blood, will be prized more dearly and become more permanent. This is made absolutely necessary by the difference of races, and the radical differences in the internal civilization of the two great sections.

The old Government had fulfilled its destiny. It was formed to prevent re-conquest by any European Government. We had outgrown that state of things. By the repeated elections of the chief magistrate, the people had been brought together to act as one people, instead of preserving the Confederate principle of separate States. All great Republics usually split

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upon the choice of a chief magistrate. In our system, that provision of the Constitution forming an independent electoral college was, in the progress of events, entirely subverted in its spirit, and the election of President became the mere action of the people as a whole, thus converting the Government into a simple Democracy of numbers, instead of a Confederacy of States. The fundamental organization of the Government was a Confederacy of States, and this election of the chief magistrate became practically at war with this great principle. The inevitable consequence was, that the Government must necessarily become a consolidated Democracy, where the separate power of the States would be absorbed, or there must be a revolution, in order to sustain the great federative features of the compact of union. Although the term of office is lengthened, and there can be no re-election by our new Confederate Constitution, yet, in the course of time, it will become liable to the objection that the mode of election or appointment of the President is, in its practical operation, in conflict with the leading principles of a Confederacy of States. The Government must be simple and harmonious in all its main parts. If it be a Confederacy, the appointment or election of President should be by the States alone: if it be a Democracy, then it should be by the people as one people. It is almost certain that a mixture of the two great principles, if not modified, must inevitably lead, in the process of time, to conflict and separation.

The great weakness in all Republics is a want of fixed forms and established orders in society, by which the conservative interests and wealth of the community may become permanently identified with the Government and its administration. No Government can last unless it commands the regard and support of the virtuous and intelligent portion of society. Any Government whose practical operation drives all this class from any interest in its honors and its action, must necessarily fall into corruption, degradation, and speedy dissolution. In these Southern States, our slaves, which occupy the lower strata of society, give us the ranks and classes out of which a conservative government can be formed. And if the action of the separate States can be felt and acknowledged in the habitual administration of Government, then we shall be able to secure through them a substitute for the great landed interest and hereditary classes in other forms of government, so essential to the stability and conservative firmness of any form of government calculated to command the permanent support of the virtuous and intelligent.

The Northern States are doomed to great conflict and confusion amongst themselves, from the want of a conservative basis of society in any acknowledged ranks or orders in the organization of their political and social sys-

tem, and they must, in all probability, run from absolute Democracy into anarchy or civil war, and thence into a military despotism. Under a military despotism they will become dangerous to us; and when we emerge from this terrible war, there will be many pretexts to induce us to adopt a more military and absolute form of government also. It will require all the wisdom and firmness of an enlightened public opinion to shape our Government so as to avoid the calamities of a consolidated military form of government. The existence of an army, the largest, in proportion to our white population, that has ever been created by any people, will add greatly to this danger.

We were the first State to withdraw from the old Union, under circumstances of great peril, and the other States nobly came to our side, and they have suffered the greatest ravages of a bitter and malignant war. It is, therefore, the part of magnanimity and patriotism for us to make as few issues or complaints as possible against the action of the Confederate Government. Our present duty is to give it a cordial and warm support, with all our resources, for defence against the fanatical and infamous enemies of our common country. Withhold nothing, and make no complaint calculated to weaken the hands of the Confederate authorities in any particular. This is the reason I do not think proper to urge any objection to the Confederate Acts of Conscription, although I deem all such Acts against the spirit of the Constitution. It was intended by that instrument that the Confederate Government should usually call upon the State authorities to furnish their quotas for all military service, except when Congress might deem it necessary to create a standing or regular army. It might, perhaps, be more expedient, also, to allow each State to organize its quota, according to some plan adapted to its own local interests, particularly if the mode and manner of executing conscript laws should lower that grade of service in the public estimation. There is a great State necessity, at present, for such laws; but the general spirit of the Constitution intended that in the raising of all military forces, excepting an enlisted regular army, the Government should act through State authority, rather than directly upon the people as a consolidated whole. It savors strongly of absolute power to absorb all the material, in men, of the States without consulting the local authorities, and to call it out without the agency of the States. Nothing can justify such action but the nature of the implacable war in which we are engaged, involving, as it does, not only subjugation, but our total extermination as a people. Congress has passed two Conscription Acts, and our whole force, from eighteen to forty-five, is subject to Confederate service at any day. It may be said that the State has now no military system, and I urge your immediate attention to this all-important subject. Some action is absolutely

necessary as soon as possible. I would recommend that the remaining force that we have, which consists in men from forty-five to sixty, and youths from sixteen to eighteen, be organized under some sytem of military police. Let them be formed into companies in each District, and let there be a regular District guard formed. of some sixty-four men, with the necessary company officers, and stationed at the Court-Houses of each District, to perform State guard duty. each company alternating every four weeks, or for such period of time as the Governor may designate, and in such Districts that he may select as necessary, under whose command, for the time being, the whole police duty of the District shall be performed. To make this efficient, let State arms and fixed ammunition be deposited in the District prisons, for the use of these companies, and the lower story of these buildings be made their barracks. To make this police guard more efficient, a few horses for couriers should be kept. A system somewhat similar to this has been proposed by the Council, but I recommend it to your revision, so that representatives from the different Districts may suggest any additions or amendments.

The President of the United States has recently issued an infamous proclamation, with a view to incite insurrection, and although I consider it instigated by base principles of atrocious warfare, contrary to all the usages of a civilized people, yet, with firmness and organization, it will produce none of the objects intended by its vulgar author. If I had the military power, or our State forces actually in service, I would, of course, issue a proclamation, directing all enemies taken acting under that proclamation to be tried and executed as felons, or even more expeditiously. But the forces in the field are nearly all under Confederate command, and from necessity the whole matter is left with Confederate authority. But to protect ourselves from any efforts, instigated by the deluded or the ignorant, I would urge the immediate organization of a large State Police Guard, under the direct command of the Governor, to be ordered out at such times and in such Districts as he may think proper, and to be kept at least for some months in actual daily duty, to give a feeling of safety to the helpless portions of our communities. We have arms and ammunition to put into the hands of such a State Guard, and let it be done thoroughly before the first of January. In connection with this, let a cadet, from the graduates of our Military Academy, or one of the senior class, be appointed and assigned for duty as drill-master—one for each of these State companies, at each Court-House in the State. If any emergency arises, let the captains of the local patrols be ordered to report occurrences to the captains of those central District guards. In those Districts where Provost Marshal courts exist, these guards might be used by the courts to great advantage.

Some more efficient system should be adopted for the protection and support of the families of our soldiers in service. The taxation for that purpose should not be on the District alone for the support of the families of soldiers from such District. As the law now is, the soldiers' relief committees, appointed by the last Legislature, are limited to forty per cent. upon the general taxes of such District. The Districts in the upper portion of the State furnish far the largest portion of soldiers, because of the preponderance of white population, and these are the very Districts that raise the least general taxes, so that the forty per cent. upon these taxes furnish but a poor supply to their soldiers' families, whereas the fund is more than ample in those Districts where the white population is sparse, and the slaves dense. The soldiers from the former Districts do not go into service to defend their mountain homes only, but they go to defend the State, as a State, and are required precisely where, from the nature of the population, the local defence is weakest and the country is most exposed.

I urge that the system of property valuation in this State, adopted in eighteen hundred and eight, be changed to a more equal and just system, and that taxes to support the families of our brave soldiers in the field be at least forty per cent. upon the general State taxation, and be distributed from a common fund, thus raised from the whole State. It is due to justice and fairness that this should be done. I would further recommend that each planter be required by law to contribute bushels of corn for each hand liable to road duty, and that the District committees for the relief of soldiers' families be authorized to call for the same, or any part thereof, to be distributed as they may direct. Efficient measures should be taken to secure all that may be necessary for the support of this class of our people. While our poor and patriotic men are exposed in defence of our homes, we owe it to justice and to every generous and manly feeling to place their helpless families beyond any suffering. The committees for their relief in each District should be selected with great care, and one, at least, should be located in each battalion of the State, and two responsible men at the Court-House of each District. They should be required to hold their meetings once a month, through the winter months; and if they know certainly of undue speculation by any individuals in any of the breadstuffs, they might be authorized, upon affidavits made to the facts before any magistrate, to seize all such breadstuffs for the benefit of soldiers' families; and the same power might be given them to seize any grain to be used by any distillery not authorized by law. These commissions should be required to make their full reports regularly to the Judge, at every meeting of the Court of Common Pleas in the Districts, and the reports should be published as soon as made.

I recommend that the Act passed the twenty-first day of December last, entitled "An Act to extend relief to debtors, and to prevent the sacrifice of property at public sales," be repealed, except so far as it extends to all persons in actual military service. There is no reason why those at home, and not in military service, should not pay their debts; on the contrary, there is great reason why they should.

The profits of the Bank of the State, the President informs me, have been, for the past year, three hundred thousand dollars. From this is to be deducted, for interest paid to holders of stocks issued to holders of Blue Ridge Railroad Stocks, forty-seven thousand seven hundred and ninety dollars; also, amount paid to holders of State Bonds, issued in eighteen hundred and sixty-one, to the amount of four hundred thousand dollars—one-fourth due—one hundred thousand dollars, of which the amount presented—seventy-seven thousand five hundred dollars—was paid. The balance was passed to the Sinking Fund—one hundred and ninety-one thousand six hundred and fourteen dollars and seventy-one cents—after deducting the other usual items. The Confederate War Tax, advanced by the Bank, is sixteen hundred and forty-seven thousand five hundred and ninety-seven dollars and forty-three cents, ($1,647,597 43.) There is now in the Treasury twelve hundred and thirty-one thousand five hundred and seventy dollars and thirty cents, ready to be paid over to the Bank for this advancement, and all the returns are not yet made. I transmit with this a letter from the President of the Bank. The amount of capital the State has vested in this Bank, from all sources, may be put down at about four million of dollars. We are, as far as I am informed, the only State that has such an institution, and we are deeply interested in preserving it, if possible, from bankruptcy or injury. From the extraordinary emergencies of this revolution, the Confederate Government has been obliged to issue a very large amount of credit circulation in the shape of Treasury Notes, and by the sale of bonds drawing eight per cent., the Government has absorbed much of the capital of the country in this investment. They have also been authorized to have subscribed, for the use of the Government, a large amount of the produce of the country, upon certain conditions. All these items embrace, in amount, several hundred millions. The banks have agreed to take Treasury Notes in adjustment of all balances between themselves. To this extent, they are thus made equivalent to gold and silver, and of course it gives them almost exclusive circulation. If the war were to close, the Government, for some time, would be the largest exporter of the produce of the country, and by these exports, which are so universally demanded in the commerce and trade of the world, they would command gold and silver, or foreign exchange, to the amount thus shipped, which would be used as a basis for

sustaining their credit circulation. This would bring them into direct competition with all the local banks, and we should, by strengthening its resources, prepare our State Bank for this issue. From the necessity of the case, the Confederate Government will be compelled to have an Exchequer Bank, in some shape or form, and Commissioners, or Government Directors, must be appointed to administer it, for there will be growing up a power too vast to be trusted in the hands of any Secretary of the Treasury. It will be a power deeply affecting not only all the local banks, but the commerce of the country and the distribution of wealth. As the bills of our State Bank are in demand, and our people are used to them, I would recommend that the State set aside an amount, in them, which may be deemed necessary, and stamp them, by authority, as bills for which the State itself is responsible, and use them instead of borrowing any more from the banks of the State. Let the President and Directors of our Bank be authorized to use this paper, so stamped, in exchange for the Treasury Notes that now circulate, on such conditions as they think best for the State, and these Treasury Notes could be used in all disbursements of the State. The notes of the Bank of the State, thus set aside and stamped, would be able to maintain their circulation, if not excessive, under any circumstances that might arise after peace, and might be finally used by the State to strengthen the Bank in the conflicts that must arise. There is no reason for our continuing to issue State Bonds, to be taken up by the banks, and our giving them seven per cent. for their paper in exchange. It is, in substance, giving them the credit of the State in exchange for their credit, and seven per cent. difference besides, when, in fact, the credit of the State is better, or ought to be, than that of any of the banks with which it is exchanged. I therefore urge you to take up this subject, and use our own State credit in some such way as I have suggested. True, the Constitution says that no State shall "emit bills of credit," but a "bill of credit" has a distinct commercial meaning and form. The form in which I propose to use our State credit, on the bills of our own Bank already in circulation, is not strictly making "bills of credit." Certain funds are set aside by the State, and a corporation is created, under the style and title of a bank, in order to bank upon these public funds thus set aside, and this fund is alone responsible for the bills issued upon it, and not strictly the State. We have the Bank, and there is little business doing on private account now, and, in this great emergency, we can use the bills of our own Bank for the benefit of the State.

The Legislature wisely legalized the suspension of all our banks. It would be proper that you should inquire into the conduct of these institutions, and if a course has been pursued by any of them deemed not patriotic

or proper, then the benefits of the Act should be suspended, as far as any such banks are concerned. From what I have heard, I believe that all of our banks have acted with a patriotic and loyal determination to sustain the Government fully, but I do not profess to be entirely informed on this point.

I have heretofore recommended that a more just and equal valuation of property be made in the State for taxation, and that the two treasuries be united in one. I would most respectfully again urge the same recommendations. The last would require an alteration of the Constitution. The present Legislature should, at least, enlarge the objects of taxation, and tax the evidences of luxury and accumulated capital more, while, at the same time, the taxation on productive or active labor should be reduced. You will be able to see, from the Comptroller's Report, how the collection of the Confederate War Tax operated, and I recommend it to your attention. The State taxes collected for the fiscal year have amounted to seven hundred and ninety-three thousand three hundred and fifty-three dollars and ninety-seven cents, ($793,353 97;) and the common civil expenditures have amounted to eight hundred and thirteen thousand five hundred and thirty-five dollars and seventy-three cents, ($813,535 73.) The extraordinary expenditures, under the Ordinance of the Convention for the "removal of negroes and other property," and so forth, have been sixty-seven thousand four hundred and seventy-six dollars, ($67,476;) and for the relief of the sufferers by fire in Charleston, thirty thousand, ($30,000.) The collection of the State War Tax, up to the thirty-first of July last, amounts to one million two hundred and thirty-one thousand five hundred and seventy dollars and thirty cents, ($1,231,570 30.) The balance of this War Tax, under the second collection directed by law, ending the fifteenth day of November, has not yet been returned; and in several of the Parishes the collectors have been directed to suspend the collection of the same in those portions of the Parishes in possession by the enemy. Copies of these orders are herewith transmitted.

The total amount expended by the State, both civil and military, up to the thirtieth of September last, is two million five hundred and fifty-two thousand one hundred and ninety-five dollars and forty cents.

Congress has passed an Act exempting certain districts that might be in possession by the enemy, or in such a disturbed condition as to prevent collection, from the collection of the War Tax. I have notified the Secretary of the Treasury as to what Parishes or parts of Parishes I think come under the provisions of this Act. A copy of the correspondence on this subject is herewith transmitted. There is yet a small balance to come in, and the exact amount allowed us, for the Parishes we have claimed to be exempt, has not yet been entirely settled.

The last Legislature, in every thing relating to the military expenditures, made but one item of appropriation, which was for "military contingencies," and amounted to eighteen hundred thousand dollars. ($1,800,000,) but three hundred thousand of it was estimated as already due the Bank for advances. This would leave fifteen hundred thousand dollars, ($1,500,000,) strictly for military contingencies. This sum was directed to be raised by the Bank of the State, selling bonds of the State drawing seven per cent. interest. The different banks of the State then took these bonds in proportion to their respective capitals, the proceeds of which were deposited in the Bank of the State. The amount of the bonds thus negotiated for, is one million two hundred and eighteen thousand three hundred and seventy-seven dollars and seventy-two cents, ($1,218,377 72.)

On the ninth of January last, the Executive Council held its first informal meeting, and on the sixteenth it was efficiently organized. Two Chiefs of the Treasury were at first appointed, and had charge of all the disbursements and accounts. I refer to the Report of the present Chief of the Treasury for a statement of its administration, and of all details connected with his department. It will be seen that, of the sum above named, there has been expended one million one hundred and sixty thousand four hundred and thirty-nine dollars and forty-seven cents.

A clear abstract of the same, made by James Tupper, Esq., is herewith transmitted and referred to.

Of the amount above named, there was three hundred thousand dollars appropriated by the Council for a State gun-boat, which has been accepted by the Confederate authorities, and that Government is now bound for it by agreement.

I refer to the very clear Report of General DeSaussure, Secretary of the Treasury, for the amount of all funds used from June, eighteen hundred and sixty-one, up to the ninth of January last. There is with this an important book, giving the aggregate amounts under different heads and departments. The items are all set forth fully, and the report accompanies this.

Congress passed an Act appropriating two million one hundred and eighty-nine thousand nine hundred and ninety-five dollars and seventeen cents, dated March the eleventh, eighteen hundred and sixty-one, expressly to pay us for expenditures for and on account of all troops in and around Charleston, from the eighth of February, eighteen hundred and sixty-one, and we have received payment, through General DeSaussure, on account and vouchers presented, of two hundred and ninety-four thousand four hundred and seventy-five dollars and ninety-three cents. This, added to the amount received through Judge Frost, makes six hundred and fifty-four thousand seven hundred and forty-four dollars and thirty-four cents. Add to this the thirty-two thousand dollars ($32,000) paid for the Lady Davis,

and the eighteen hundred dollars received from Major Lee, Confederate Quartermaster, for horses purchased from this State, and it makes an aggregate of six hundred and eighty-nine thousand and four-four dollars. There is still a large balance due us under that Act—about $1,314,162 99.

The amount the State expended from the twentieth of December up to the ninth of February, the period we were alone, is a subject of just claim against the Confederate Government. We turned over the forts and public arms and stores which we acquired during this period, and, of course, we should be refunded the expenses incurred, particularly as the Confederate Government gained a full equivalent.

I recommend that an Agent be appointed, whose duty it will be to attend to all these claims, and have them acknowledged, as soon as the Government may be in a condition to adjust them. I sent on General DeSaussure to settle our accounts under the Act of Congress above referred to, and he, by his energy, had made great progress, but the difficulties of the Government and the great pressure in the country, made it proper to suspend any very urgent demands under the then existing circumstances. Judge Frost, the former head of the Treasury, also showed much assiduity at Montgomery in adjusting many of our claims, and he did obtain three hundred and sixty thousand two hundred and forty eight dollars and forty-one cents. His report comes up to the eleventh of May, eighteen hundred and sixty-one. It will be seen by the report from General DeSaussure, herewith transmitted, that not a cent from public funds was lost in any quarter, and that all accounts, from the heads of every department, were fully and correctly rendered up to the ninth of January, eighteen hundred and sixty-two. The $250,000 advanced for claims, stands on a different footing. I recommend that just compensation be made to General DeSaussure.

I refer to the Adjutant General's Report, which is herewith transmitted. It will be seen that we had actually mustered into Confederate service, up to the ninth of January last, the period when the Council was inaugurated and remodelled the Executive, thirty-two thousand one hundred and forty-six men, all armed by the State. All estimates made after that time are necessarily conjectural, as, under the Conscription Act passed by the Council, and the Conscription Act of the Confederate Government, many men went into service as individuals, and joined such companies and regiments as were already in service, and no authentic reports have been officially made from the officers commanding such companies or regiments as to the number thus received. This increase in our forces resulted from no particular organization, but from the choice of the men, who preferred to join such regiments rather than wait for particular commands. It has been merely conjectured that the number heretofore mustered in from this State was about forty two

thousand. Recently, eight regiments of State Reserves, which may be estimated at six hundred each, have been received, by special arrangement with the Secretary of War, for ninety days' service in the State.

I transmit herewith the Quartermaster General's Report, which gives a full statement in detail of supplies on hand up to the ninth of January, from which it will appear that in large amounts the material for our soldiers—blankets, shoes, woolen clothes, and all the essentials—the purchases of the same were ordered by myself, and made previous to the formation of the Council, and that since that period but little has been added to the stores then on hand. The funds which have been collected in this department from the Confederate Government have been principally acquired by our being refunded for the cost of this material, in advancing it to our soldiers. Recently large supplies of clothing and blankets have been sent from the Quartermaster's department to our soldiers in Virginia, and of course you will immediately appropriate a sufficient sum to provide all necessary clothing for our men who may be suffering in Virginia or elsewhere.

I also refer to the Commissary General's Report, to show that, up to the same period, the supplies of bacon, flour, salt beef and salt were almost entirely purchased and procured previous to the same period, and the department has been reimbursed in the same way.

I would suggest that you take the first steps necessary to amend our Constitution so that the Governor shall be subject to re-election. There is no reason why so important an office should be filled every two years by a new man, if the duties have been performed faithfully. Just as soon as he becomes thoroughly acquainted with the duties of his office, and informed as to the wants of the State, he has to leave his office, and another is selected to go the same round. Besides, if the office is important, the Governor should be held responsible by being subject to re-election, and by being brought directly under the censure or approbation of those who have the power to continue or dismiss him. There is still a higher consideration why the Governor should be subject to re-election, or his term of office be lengthened, and that is because it is all-important to add to the power and influence of the State amongst a Confederacy of States. Make the chief magistracy an office of high responsibility and dignity, and thus, too, you make it an object worthy the highest ambition, to be sought by men of talent and character as their ultimate aim. This will tend to prevent that class from too eagerly seeking honor and distinction alone in the offices of the Confederate Government. The reason why the framers of our wise Constitution limited the office of Governor to two years, and gave such small powers to the incumbent, arose from the extreme sensitiveness that was engendered in our early colonial struggles with the mother country. The colony was,

more or less, all the time in conflict with the Governors of the Crown, sent out to govern the province, and our ancestors began to think that the great danger to liberty came only from the Executive branch of the Government. They, therefore, carried out this jealousy towards a Governor's power by giving but little power, in times of peace, to the Executive office. This was eminently wise, when the appointing power was in the Crown, and that Crown interest antagonistic to the people or the interests of the State. Under our system, the people occupy the same position, as far as government is concerned, that the Crown interest does under more arbitrary forms of government. The power of the Governor is no more than the power of the people, as he is their agent, and responsible to them. As we are to commence a new career, under a new Confederacy of equal States, I think there could be no more fit occasion to reorganize the Executive branch of our State Government, which might be made to add greatly to the dignity and real power of the State. I would recommend, in connection with this subject, that the appointment of ordinary, sheriff, and tax collector for the Districts be made by the Governor, with the advice and consent of the Senate. These are not properly mere District officers, but officers for the State, engaged in the administration of general State laws, and the appointment thus made would generally secure the most energetic and impartial administration of those laws. It is the election of salaried officers that tends to corrupt the people, and to lower the tone of public opinion, and involves them in a constant round of low electioneering and combinations for the possession of monied offices, all unfavorable to elevated feeling. The true principle of a Republican Government is to make all legislative offices subject to election by the people, so that the law-making power may emanate directly from them, and to confine this representation, thus elected, to small localities or divisions, and let all those who administer the general laws of the State be appointed by State authority. By confining the elections of the people principally to those who make the laws, you elevate the elective franchise, and make its exercise a high and sacred duty, deeply valued; but enlarge it to offices of profit, and exactly the reverse is produced. We have esteemed this high and noble privilege of the people too lightly. The experience of popular elections, and of extending the extreme principle of democracy to all offices of all kinds, has been full of bitter fruits. We see it in the universal profligacy and vulgar brutality that is exhibited in all the Northern States, corrupting the very fountains that spring up around the temple of liberty, where the people gather to worship the new idols of their daily creation. If we are wise, we will have the manly independence to avoid these extremes, and to realize the great truth, that liberty does not consist in unbridled privileges to the people, but in a system of wise laws, virtuously and firmly administered. Considering my

position, I would be unfaithful to my trusts if I should use the measured language of flattery, and disguise the truth.

This bloody revolution has taught us many solemn truths, as to the unlimited elective franchise, and the extremes of democracy, and the people will perceive them, if public men and politicians will do their whole duty, and not use the smooth language of flattery, intended but to deceive and betray.

Perhaps this may not yet be the proper time, but I cannot forbear from calling your attention to the duty you may owe your State, to incorporate into our Constitution a principle refusing to allow any man to vote, except those who were citizens at the time of our adoption of the present Confederate Constitution, or unless hereafter born in some one of the Confederate States. I would make it the highest privilege of a freeman to vote, and a mark of rank, and therefore allow none this privilege hereafter unless born in this country. Let it be made, by all the safeguards of fixed law, as high a mark of pride and rank to be called a citizen of this Southern Republic, as in former times it was, in Rome, to be called a "Roman citizen." This can never be done with indiscriminate elections, and granting the privilege of voting indiscriminately to strangers and foreigners, who make only a short sojourn, without interest in our country, and without knowledge of our peculiar institutions. To exercise a sound discretion in this high privilege, upon which the liberty and purity of the country depends, can only be acquired by that kind of education which is alone obtained by being born and raised here. To make this privilege common is to throw away a pearl, around which glitters every thing that is bright and pure in Republican government.

It is a source of deep regret that the war has suspended our literary and theological institutions, and more especially our State institution. I was opposed to it, and endeavored to procure the adoption of a measure which, I was in hopes, might have saved them from the necessity of being brought under influences that have drawn off the students into military service in the field. I desired that they might be organized into separate and distinct corps, and kept under officers appointed or selected from their professors, and held under military organization, and thus kept from being absorbed by general service in the army. If the State should have been in a pressing emergency, they could have been ordered out, and all institutions of that kind in the State could have been kept together under an independent, united command. But it was decided otherwise by those who had the authority, and, as they thought, from necessity. The consequence is, that all are now suspended, and it is to be feared that the injurious effects will be seriously felt in the progress of events. I hope, however, that no considerations will ever induce the State to take any steps that may lead to a with-

drawal of its patronage, heretofore bestowed, upon this noble institution. It is too deeply consecrated in the hearts of our people, by the blessings it has shed over the State, ever to be abandoned. Under existing circumstances, however, it cannot be expected that the appropriations should be as large as heretofore. I therefore recommend that the salaries of the Professors be reduced, for the present, one-half, so that we may be at least able to secure and retain the services of the very able Professors, who are now temporarily thrown out of employment. As the Library is still regularly opened, and is very useful, it ought to be strictly kept in order, the same as ever. Perhaps, therefore, the Librarian should receive his usual salary, which is but small.

In these distressing times of great pressure and derangement in supplies, I earnestly recommend to your most charitable protection the Lunatic Asylum, and also the Christian and benevolent Institution for the Deaf, Dumb and Blind. The great increase of prices in breadstuffs will require some addition to the usual allowances for the support of the unfortunate who may be too poor to pay for their own support. The reports from these institutions are referred to your attention. I also call your attention to the Report of the Trustees of the Marine School at Charleston. It deserves your patronage.

The report of the Superintendent of the State House, herewith transmitted, is referred to your special attention.

In my Message to the Extra Session of November, eighteen hundred and sixty-one, I called the attention of the Legislature to the state of our Military Academies. I now take this occasion earnestly to suggest again that their capacity for usefulness be enlarged. As all other institutions are now suspended by the young men going into the war, our State Military Academy is the only public institution practically open to education, and surely, at this period, no system of education can be more essential to our success and defence. As we are now involved in an entirely new state of things, I would recommend that you increase the number of Visitors, and that they be filled by election, exactly as the Board of College Trustees is now filled, or, as it is a military institution entirely, perhaps the appointment might be by the Governor, with the advice and consent of the Senate. It is worthy of your immediate consideration how far this institution, in all its branches, should be enlarged, and arrangements also made to receive cadets from other Southern States. A portion of the college buildings might be, for the present, assigned for the use of cadets, if more than usual are admitted. There are more applicants this year than common. I transmit with this a letter from General Jones, Chairman of the Board of Visitors, and recommend that an appropriation be made to enlarge permanently the buildings at the arsenal. The State should select the sons of meritorious officers who have fallen in battle, leaving no means, and assign a son of each for educa-

tion in this institution, and the sons of our heroic naval officers ought also to be included. It is due to many who have left their children penniless, and we owe it to ourselves, that they should not be neglected. Our State is comparatively small, and cannot rival, in physical resources or material developement, the larger States, but by a high grade of military education, as well as every other system of culture and education, we can enlarge our influence and usefulness. We can only hope to enter the race for power and ascendency by the high moral and intellectual endowments of our people. Large territory and natural resources, with a large population, will make any State powerful, but to make a small State a great one, with power and influence, requires profound wisdom in measures calculated to develope intellectual and moral culture, as well as devoted patriotism and heroic valor. While other States expend millions in aid of material advancement, we must spend millions in thorough education.

Our principal arsenal and depot for small arms ought to be permanently in Columbia. The climate is dryer, and more suitable for both powder and arms, than Charleston.

In previous communications to the Legislature, I called attention to the importance of establishing a manufactory for small arms, and indicated Greenville as having had such a factory in the war of eighteen hundred and twelve, and I also drew attention to the iron of Spartanburg as being eminently suitable, from its great adhesive qualities, for large cannon, and so forth. The Executive Council have made such an establishment at Greenville, together with a foundry. The place is well selected, and the practical judgment of the Chief of Construction, aided by the energy and mechanical talent and knowledge of the Superintendent, has forced the establishment into rapid maturity. I refer to the reports of both these officers, and also to the report of Major Eason, State Ordnance Officer, for all details, and most cordially recommend the whole matter to your immediate attention. The Legislature, by the Act of eighteen hundred and sixty, created a Board of Ordnance, with an ordnance officer, ranking as colonel of artillery, with a salary of three thousand dollars. The law required this Board of Ordnance to be appointed by the Governor, and the ordnance officer to be appointed by the Board. Since the resignation of Colonel Manigault, an officer was appointed by the Council, with the rank of major, and a salary of eighteen hundred dollars. I recommend that the original rank and pay of the officer be restored, and that the foundry, together with the factory for small arms, be placed directly under the supervision of the State Ordnance Officer, as part of the duties of his office. The whole military resources of the State, with all our men up to forty-five, are now, by law, placed under the immediate control and absolute command of Confederate authority, and if, under these circumstances, it should be thought more ex-

pedient to transfer this establishment over to the Confederate Government, it could now be done without the slightest loss to the State; but if this course should be pursued, a condition should be made that, at the close of this war, it should then be transferred back to this State. It ought to be our policy to keep up a State Armory, in order to place the supply of arms for the State beyond all contingency in any future emergency. We have seen the danger of our position recently, and I trust the day will never come again that will find the State without an ample supply of arms.

The Council established a saltpetre plantation near this place. I believe it is the first of the kind ever established in our country. The expenses have been moderate, and I refer you to a report from Dr. Ford, the Superintendent, for all details. There was great danger of scarcity in the material for gun-powder, and it was deemed essential to put ourselves beyond difficulty as to this matter. It is hoped that it will soon begin to yield returns. As an experiment, it was eminently useful, in calling public attention to the enterprise. If it is thought proper, I have no doubt the whole matter could be turned over to the Confederate Government without loss. In several countries in the north of Europe, taxes are partly paid in saltpetre, so essential is it to a country's independence. Perhaps it might be proper to place it also directly under the supervision of the State Ordnance Officer, if the State retains it.

The Executive Council have repealed all their laws, or resolutions having the effect of laws, relating to distillation of spirits, to take effect at the close of your present session. I call your attention to this, because I deem it of the highest importance to the welfare of the people, and particularly to our soldiers, and their families at home, that you should pass the most stringent laws against all distillation of spirits from grain, except for medical purposes alone, and I trust a wise and energetic system will certainly be adopted by which your law, in relation to this matter, shall be strictly enforced. The reasons for this are so obvious that it is not necessary to urge them.

The Executive Council have endeavored to stimulate the manufacture of salt, and fifty thousand dollars were set aside for this purpose. Much has been done, but much more is required to be done to satisfy the wants of the people as to this great necessary of life. I refer you to the report of the Chief of Justice for details on this subject. I endeavored to make a contract with the owners of the salt works near Abingdon, Va., but they accompanied their proposals with such conditions, bearing upon the private rights of one of our distinguished citizens, who holds a mortgage on the works, that I could not, with justice, think of accepting them. I appointed a gentleman to try and make arrangements for transportation over the railroads for one hundred thousand bushels, but he found it impossible to get it. Besides, I

do not believe any large amount of salt could be procured, within the time we required it, from the works, even if I could have obtained transportation. I hope, by the production now being furnished from our own coast, which is increasing, that by the last of January enough may be procured to suffice, upon the most limited economy in its use. Three hundred sacks of Liverpool salt, a part of that which I took in our different towns last year, for the State, have been recently directed by the Council to be sold, in small amounts, by the committees for the relief of the soldiers' families in the different Districts. True, the wants of the poor are very serious, but it is incident to our situation in this great struggle for our homes and existence, and I trust that those who have the supply and the means will use all their best exertions, in every neighborhood, to see that there shall be no actual suffering.

The last Legislature created by law Provost Marshals, with their Associates, in the sea-coast Districts of the State, and allowed their establishment in any other District, not already provided for, whose representatives desired it. These Marshals established courts, under instructions which I sent them—a copy of which is herewith transmitted. I suggest that the books and records of these courts be examined, and that the whole matter be revised by your body—suggesting such amendments as may appear proper, or discontinuing them, if you think it best. My impression is, that under proper accountability, they might be made of great use in our present situation.

One great cause of the unanimity and deep enthusiasm of the whole people in this war for our independence, arises from the fervor and religious zeal in the cause which our clergy and laity, of all denominations, have manifested. They have made it almost a holy war. Added to this has been the patriotic and intense feeling our women have universally exhibited. No men who have such mothers, such wives, and such sisters, were ever born to be enslaved. We, of this State, owe a debt of lasting gratitude to the women of Virginia, in particular. There is scarcely a mother, a wife, or a sister in South Carolina, (and there are thousands,) mourning for the loss of their loved ones that have perished on the bloody fields of Virginia, whose grieving heart has not received comfort from the thought that the sinking soldier and hero had his dying moments soothed by the kind attentions of some tender female of Virginia. No people of any age or country have ever suffered more than they have in the noble State of Virginia, and no people, with the same amount of population, have ever, in the annals of history, presented to the world more captains of higher qualities to lead and to command, or soldiers of more heroic valor, than has Virginia, amid her terrible sufferings; and hereafter, when asked for her jewels, Virginia

will not be confined alone to her sons, but she can turn and proudly point to her daughters, as pearls that will throw a more royal lustre from her diadem of honor.

I would recommend that an energetic, responsible Agent be appointed by the State, to be stationed, for the present, at or near Richmond, whose duty it will be to aid and assist our sick and wounded soldiers in obtaining their furloughs in proper form, and transportation also, both on their coming home and returning, so that none shall suffer from ignorance or neglect. This Agent could be charged with seeing that all aid and assistance, in supplies of all kinds for our soldiers, should be properly attended to and forwarded. It might be, perhaps, of great relief to the helpless and uninformed of our men, who may be exposed to imposition or neglect. I would respectfully suggest that this Agent may have the rank and pay of a captain in service, and a limited sum of money might be placed in his charge to relieve all the pressing and immediate wants of the needy, who are sick, wounded, or honorably discharged. This appointment might be made by the Governor, by and with the advice and consent of the Senate. Although I agreed to the mode, because it was the best I could do under the circumstances by which I was surrounded, yet I do not think that any Executive Council is a fit and suitable body to make appointments in the military, as a general rule. I still think, however, as I have heretofore urged, that, during revolution and war, the most suitable way to fill all field offices for active service, is for the appointment to be made by the Governor, with the advice and consent of the Senate. The representation in this body of every Parish and District in the State, would enable it to judge of any unfit nomination made by the Governor, and to refuse it.

It is necessary that the Legislature should agree upon some permanent plan by which negro labor shall be furnished, for work to be done along our sea-coast, and particularly for the defences of Charleston. The manner in which the impressment of this labor has been executed, has produced an unpleasant state of feeling, and much complaint. Then the extremely careless government that has been instituted over them, after they are placed under Confederate officers, together with the poor attention paid to them, has also increased this dissatisfaction. Perhaps all this is naturally incident to any corps not regularly under strict army regulations.

Just at the close of the last Legislature a joint resolution was passed, directing the Governor to furnish labor under requisitions from Confederate Generals, and to exercise, if necessary, the power of impressment for that purpose. In April last I proposed to the Council to adopt a plan by which a corps of negroes should be organized and attached to each regiment or brigade, as axemen and spadesmen, to be placed under military government

and orders in service. I desired this organization, upon the basis that every owner of negroes should furnish as many men as he might select, and put them regularly into the army, to draw regular rations, and the owners to receive their pay. One per cent. on the four hundred thousand slaves in the State would give four thousand for such an organization, and this would be more than ample for all purposes. Let these corps be formed into axe-men, ditchers and laborers generally, and under regular orders and discipline suited to them. Let this be a permanent arrangement, which would relieve all the agricultural negroes of the country from arbitrary and irregular calls at seasons not at all suitable. Besides, this would enable every man to send off, to be put under the military regulations of the army, all negro men who might be difficult to manage at home, where women and children are, for the most part, left alone. It would have the further effect of identifying our slave population, to a certain extent, with our armies, which would produce a wholesome feeling of allegiance, and thus aid in the police government of that class. All this system could be organized readily, and, I think, upon a far more certain footing as to labor, and with far less expense and inconvenience to owners. Many small owners of slaves would volunteer none, but large owners would, and in many sections, particularly where they are exposed to the enemy, they would select perhaps five per cent. on all they own, because they could thus select those most unruly and uncertain, and secure them in the army. If lost or killed, then let the Government be responsible for their value, exactly as it is to those who furnish cavalry horses. My impression is that it would be a good police arrangement, that would strengthen the interior peace of the State.

This was the substance of the proposition I made in April last, but as I was overruled, I was compelled to give my assent to the other system proposed, because, like in many other cases, where I was called on to do anything, I had to do the best I could in relation to secondary measures. I think, if what I had then proposed had been adopted, it would have saved much unpleasant feeling in the State, and also large losses from the irregular mode of calling for labor when it is engaged in agricultural pursuits. I therefore recommend that you take this subject up as soon as possible, and adopt some efficient system, in concert with and by assent of Confederate authorities, such as I have presented. I wrote to General Beauregard, and suggested to him my plan, and in a letter, dated the eighth of November, instant, he highly approves of it, and recommends that "each brigade of four regiments shall have two hundred negro pioneers or laborers." A copy of all that portion of the letter is herewith transmitted.

The works around Charleston are extensive, and it is of the last importance they should be completed on the most scientific and solid scale. Now

that we have witnessed the desperate and malignant hostility of our exasperated enemies, we may certainly expect that, even after peace, they may threaten us at any moment hereafter, and it becomes us to be permanently and thoroughly prepared. The works around Charleston are, therefore, not to be viewed as temporary, but in the course of events they must be looked to as part of our permanent defence, and necessary to our future safety. The whole State is deeply and directly interested for our independence and protection against these our worst and most bitter enemies, and we cannot be secure without the largest and most substantial system of defences around and near Charleston. Let no man, in a remote part of the State, imagine that the work done there is not necessary to the protection of his own home and fireside.

The Convention, at their last meeting, have referred the proceedings of the Executive Council to your supervision and jurisdiction, and have expressly submitted to you the power to continue it or not. This Executive Council was established early in January last, and as soon as the Ordinance creating it was sent to me, I addressed a communication to the Convention, dated January the eighth, a copy of which is herewith transmitted. I thus most respectfully filed my objections and protest.

The first section of this Ordinance declares, that the "Executive Council shall consist of the Lieutenant Governor, and three other citizens of the State, to be chosen by the Convention by ballot."

The second section then speaks of the "Governor and Executive Council acting together," and confers unlimited power "to declare martial law," "to arrest and detain all disloyal and disaffected persons," and "to order and enforce such disposition of private property for public use as the public good shall appear to them to require." It also confers absolute power over the organization of all military forces, from "the whole or any part of the population of the State," to draw money from the public Treasury without appropriation by law, and to make all "nominations and appointments heretofore made by the Governor." As to "disloyal or disaffected persons," it suspends *habeas corpus*. This, together with the power to declare martial law, to seize private property, to make any absolute orders of a military nature, embracing the whole population, and to draw money from the Treasury without appropriation by law, makes a complete concentration of all power in the hands of the Council. True, the Governor is spoken of as separate, but whether it was intended that his concurrence and consent should be necessary to consummate any or all of these powers, does not distinctly appear. At first the inference would seem to be, that it was necessary that the Governor and the Council should "act together." However, the mode adopted by those best informed of the intention of the Conven-

tion was, in fact, a total absorption of the Governor, for every proposition and order was taken by vote, each vote counting one, and a majority making the order. This, of course, is a direct violation of all the constitutional attributes that necessarily attach to the clause which declares that the "Governor shall be the Commander-in-Chief." It will be seen, by the reports from members of this Council, made to the Convention at its recent session, and more particularly from the Report of the Chief of the Military, that all the rules for the administration of the separate departments were made by the members themselves, and by the fifth rule for the Military Department, even the nominations to all offices, "heretofore vested by law in the Governor," were expressly vested in the head of that Department. The Council partitioned out the powers of the Executive, and assigned themselves as the heads of the Departments thus created. According to the second clause of the Ordinance, I could not even appoint an Aid. Of course, under all these circumstances, I should certainly have called the Legislature together, and resigned my office, but for the extraordinary position the State was in at that time. It will not require a close analysis of this Ordinance to show that, under the pretext of "strengthening the Executive," the Constitution was grossly and needlessly violated, and the result, as exhibited in the confusion and opposition created in the State, heretofore so united, shows that men, however learned and able as exponents of law, may yet be entirely ignorant of all the practical workings and actual needs of the governing power for a free people.

I had been elected, by the regularly constituted Legislature of the State, to take charge of her destiny and direct her movements, when she was rousing herself to step forward and form the nucleus around which a new Confederacy might gather—thus standing like a shining target before her powerful foes, with doubt, danger and uncertainty on every side. The very day after I was inaugurated, I sent a trusty Agent and located him in Fortress Monroe, with orders to give me the most authentic information constantly of what was doing there, because I knew it was the nearest post from which military reinforcements could be sent to Charleston harbor. I could thus tell what we were to expect by what I heard from that fortress, for I knew we would have war. It was my order, on the twenty-seventh of December, eighteen hundred and sixty, by which, in the face of a powerful fortress and an armed foe, the two first Federal forts were taken, from whose parapets the proud flag of the old Union was lowered, and the defiant flag of our independent State run up in its stead. This was done while the Convention was yet discussing the propriety of doing it. So, too, on the ninth of January, eighteen hundred and sixty-one, it was by my order, against solemn entreaties to the contrary, that the first cannon was fired

into the Star of the West, bearing armed men and succor to Fort Sumter. These are the acts which practically inaugurated this war, the effects of which will be deeply felt for ages to come. I well knew the danger then, and fully understood my deep responsibility. At that time there was no certainty as to any other State moving. I mention this, not in credit to myself, for I was but the exponent of the will and spirit of the State, but I mention it to remind you, that by your appointment, I then stood on the quarter-deck, when the sea was dark and the ship alone. I saw the breakers through which she was to be driven, and no man can say that the helm ever trembled in my hand, or that the vessel ever veered, for one moment, from her direct and onward path. My record was before the Convention, but I have yet to learn on what act or acts of mine they predicated their remarkable experiment in government.

A sense of injustice, and the influence of ardent friends, might have impelled me to a different course from that which I pursued at this juncture, but my high sense of duty towards the State, and my sincere desire to secure her ultimate good, induced me to bear all with such patience as I could, and to pursue that path which I deemed wisest, in her behalf. The loss or change of power to me, personally, was nothing, but to the Constitution and the State it was every thing. The presence of a malignant and ravaging foe upon our coast, with a powerful army threatening Charleston, and the absence of a large portion of our men in the army of Virginia, rendered unity of feeling and purpose in our domestic government absolutely necessary for the time being, and weighed deeply in my determination to await events, and to submit to what had been done. I also knew that dissatisfaction and confusion would arise when the immediate danger and pressure had passed, and I desired that the responsibility should rest where it properly belonged. I preferred that the issue should be made between the people of the State and the body which had assumed all power over them; for I well knew that a people, born and educated to freedom, would rebuke the attempt which in this case had been made to create an arbitrary and illegal Government.

The Convention, at its last meeting, seemed to desire to shift the responsibility of terminating the existence of a tribunal which they had, at a previous meeting, ordained should continue for and during the war, and to throw that responsibility upon the Legislature, coming fresh from the people. Instead of protecting it against accountability to another body, they have made its acts open to full inspection and investigation, and that, too, under peculiar circumstances, where they themselves ought to have assumed the responsibility of restoring the regular and ordinary Government. This might have saved any further discussion or division.

The second section of an Ordinance passed at their last session, expressly makes it my duty to open up all its proceedings to you—at least back to the commencement of that session—and, by inference, to an examination of all before; because you could not have a full understanding of the duties they required you to discharge in relation to the policy of continuing the Council or not, without knowing all the facts and all its proceedings. With that view, I believe, they declared all their proceedings open to the public, with the books of record kept by their Council.

By an Ordinance passed the second of January last, entitled "An Ordinance for the removal of negroes and other property," a commission of three from each of the sea-board Districts was elected, and, by the tenth section of the said Ordinance, this commission was expressly authorized to draw upon the Treasury for any sums they might deem necessary to remove and support negroes. Each separate commission of three had this power, limited only by what they might think "necessary." They were not directed to let the Governor, or even the Council, know what amounts they might at any time draw, nor do I see any provision for their accounting, except to the first meeting of the Convention, if that should take place before the meeting of the Legislature. The tenth section concludes in these words: "And that the Legislature be directed to provide ways and means to reimburse the Treasury." It will be seen that this Ordinance directly violates that great principle of the Constitution which declares that "no money shall be drawn out of the public Treasury, but by the legislative authority of the State." This has given to a tribunal created separate from the Convention itself, this direct power. The whole Ordinance sets a dangerous and impolitic precedent in our State, and I recommend that steps be taken to cause proper accounts for all moneys drawn under it to be rendered, and that the records kept by those commissions be examined. The eighth section seems to contemplate this, if the Convention itself had not, in the meantime, held a meeting.

I can appreciate the circumstances under which the Convention acted. But they acted under the excitement produced by the fall of Port Royal, and I knew the time would come for the State to right itself. That time has come, and I most respectfully recommend that, as the guardians of the Constitution and Law, you do now restore to the State the regular and ordinary Government.

To vest power to make, construe and execute law, in the same hands, is of the very essence of despotism, and the exercise of any such power, even in the hands of the wisest and purest of men, would necessarily produce the deepest dissatisfaction in any community trained up as freemen, and who had lived under the regular administration of fixed law. The dissat-

isfaction and restiveness under this new and unauthorized system, exhibited in certain portions of the State, has not arisen from any disloyalty or indisposition to discharge all their duties faithfully, but from a feeling of sensitiveness under what they deemed an unnecessary and arbitrary establishment of an unusual and irregular Government. .

The example quoted from the early history of this State, when one of our most illustrious citizens was vested with a Dictatorship, is not at all applicable to the State in her present situation. We were then in our infancy, and had never been accustomed to independent self-government. We had, comparatively speaking, a wild country, with sparse population. We were simply a Colony, and in fact with no Government. We have now had eighty years of self-government, when our forms and laws have become fixed and settled, with a dense population of sensitive and educated freemen. No people upon earth are more restive under arbitrary power than we are. Besides, our whole form of Government is conservative, and full of checks and restraints—more so than that of any other State in the Confederacy. Our Senate represents mere territorial divisions, and is so formed as to check the more dominating influence of other branches. We have representation of property in both Houses. For every sixty-second part that the taxation of a Parish or District bears to the taxation of the whole State, it is entitled to one Representative; and for every sixty-second part that the white population of a Parish or District bears to the white population of the whole State, it is entitled to another Representative; and we take a State census every ten years, and estimate the taxes that have been collected during that period, and according to this we readjust our representation every ten years, so that it shall follow this combined principle wherever any changes in population or in property have been made. It is, in fact, a representation of taxation and population combined, and is the wisest and most philosophical principle that has been adopted by any State in the Confederacy. From this, population has all the strength necessary to give it power and contentment, and property has all that is necessary to protect itself. This it is that makes us so eminently a conservative State and a united people. Under our wise, but complicated system, we do not, in any great measure, take the sense of the people of South Carolina, as a people, but we take the sense of the interests or estates of the State, which is equivalent to consulting the estates of the Realm—a process so deeply identified with all our ideas drawn from the great common-law land of English liberty. Any single Assembly, without the checks that come from the action of separate bodies, that assumes to exercise, of itself, legislative powers, must necessarily amalgamate these estates, and produce confusion and discontent, by deranging the order of our whole system.

The clause in our Constitution giving power to call a Convention, is peculiar. It does not say the Legislature may or can call a Convention, but it declares that "no Convention of the people shall be called," except on certain conditions. No Convention can be called, except by a concurrent vote of both branches of our Legislature, and then by a vote of two-thirds in each House. The Constitution of the State is itself a compact between the people, in which the sense of the State is taken by a full representation of estates which form the State. The angry controversy between the upper and lower country, previous to eighteen hundred and eight, need barely be alluded to for full illustration of this. The Constitution itself can be altered by two successive Legislatures, and there is no necessity for a Convention to alter it, which shows that under our system, so far as organic law is concerned, sovereignty is expressed through two successive Legislatures, or the Legislature is supposed to express the sense of the State, taken, not by population, or the people alone, but by the different estates represented.

The clause giving power to the Legislature to alter the Constitution, follows immediately after the clause giving power to call a Convention, and is also very peculiar in its language and guards. It does not say the Legislature may alter the Constitution upon certain conditions, but, directly following upon the other clause, it declares that "no part of this Constitution shall be altered," except by the forms prescribed in the clause itself. There is no other State, that I know of, which allows the Legislature the high power of altering its Constitution. It is granted here because those who made it intended to guard peculiar interests and privileges in the State.

No Convention, under our system, need ever be called, except for one purpose only, and that is to withdraw our State from any compact with other independent States, and this merely because it was through such a body that the compact itself was originally made binding upon the State. Under this view of the question, it must be clear that it is against the whole spirit and genius of our system that a Convention should alter or amend the Constitution on local points; and if so, how much more true must it be that they cannot, on points affecting our internal relations, legislate on any matter. And if this be so, by what right can it delegate to another body, of its own creation, the power to legislate. It has no right to legislate; and even if it had, it could not delegate the right to another body, emanating alone from itself. It can only legitimately act upon the specific matter or question which it was called to act on, and this is upon the presumption that the very question has been decided by the people, through the legitimate representation and forms that express the sense of the estates of the State. Upon that subject-matter, thus decided, they are sovereign, but upon no

other. They are not necessary to alter the Constitution, for I have shown that this express power is given, by the Constitution itself, to two ordinary Legislatures. Any mere formal portion of the Constitution that it may be necessary to alter, in order to adapt it to a new compact with other sovereigns, and to the new Government, can be made, but no other. It can make a compact of fundamental law with other States Any change of the Constitution, by a general Convention, called exclusively to withdraw from an old compact, and to form a new one, in those provisions acting solely upon the people of the State, within themselves, is not only beyond their legitimate power, but deeply dangerous to our conservative system, and a precedent which, once established, might overthrow all the guarantees of the instrument touching our local interests, without giving us the protection from the safeguards made by the compromise of eighteen hundred and eight, and incorporated into our organic law. The Ordinance creating the Executive Council did change the Constitution, as far as the executive power of the Governor is concerned. The second clause utterly annihilated his office as "Commander-in-Chief." There is not a single attribute attached to "Commander-in-Chief," as derived from the very nature of the office, and defined in the Constitution, which is not destroyed. True, the Governor, in times of peace has but little power, but in revolution and war, that single power of "Commander-in-Chief" is of the highest and last importance, so long as the State acts for herself, or has forces in the field. In fact, during a revolution, it may embrace all power. A division of it into four heads destroys all that may be essential in dispatch, energy and decision. If it had been in existence on the twenty-seventh of December, eighteen hundred and sixty, and during that period, it would have been contemptible, from its imbecility and division. To say that the Constitution, in its vital parts, is not altered, because it has not been done by a specific clause, is to chop logic on words. In everything relating to the military and military orders, from the least to the most important, it made an absolute change—no military order, of any kind whatever, could be given without first receiving a majority of the votes of the Council. It was most fortunate for us that every company in the State had been mustered into service under the command of Confederate Generals, and all the military resources of the State were being transferred under the absolute orders of Confederate authority. If we had been in actual command of forces, we would have had great confusion and weakness. In times of revolution and danger, to vest all the powers of the "Commander-in-Chief" in the hands of four men, is simply a pragmatical experiment, that has failed, whenever tried, in every age and in every Government.

In relation to what may be urged as to the necessity for such action, I have only to say that State necessity has ever been the patent plea for de-

spotic power wherever assumed. Amongst an enlightened people the true strength of an Executive does not depend so much on specific grants of power, as on doing with firmness whatever is right, and in patriotic devotion to the country, and nothing but the country.

The Convention have turned over to you the responsibility of deciding upon the propriety of continuing the Council. According to the Ordinance, its existence terminates on the second Monday in December next. By thus ordaining, there are now established in the State two conflicting powers of legislative or law-making authorities, sitting at the same time. It is an anomaly in government. I would recommend that you do discontinue the Council, and that no other of that kind be created. The duties of the Chief of the Military ought to be discharged by your Adjutant General, and the duties of the Chief of Construction should be discharged by your Ordnance officer; the duties of Chief of the Treasury should be discharged by your Treasurers, and the duties of Chief of Justice and Police can be discharged by your Governor, together with the Attorney General. The ordinary forms of government should be forthwith restored. It is due to the Constitution and the country, that you should put your disagreement to the precedent that has been set, in such a shape that it shall be distinctly understood, hereafter, that all the ordinary branches of the regular Government were opposed to the creation of this extraordinary and unnecessary Government.

In the meantime it might be proper, during the continuance of the war, that you should pass a special Act, well guarded, giving the Governor extraordinary powers in certain emergencies. The Convention at first passed a Resolution, giving me the power to appoint a Council for consultation, which was done on the thirtieth day of December, eighteen hundred and sixty, and the Council was organized a few days after. They made it the duty of this Council, "when required by the Governor, to advise with him on all matters which may be submitted by him," but expressly made the Governor, "in all cases," still responsible, "and to decide upon his own action." In conformity with this I appointed four distinguished gentlemen, and, for convenience as to business, I made a division of labor, and assigned to each a Department. This was a very wise and proper conception of Government, on the part of the Convention, and did not, in substance and responsibility, alter the office, as established by the Constitution. It is with great pride and pleasure that I now say I was much aided and strengthened by the able men whom I then called around me, at that trying and critical period of our history. They served without compensation, and for their patriotic and firm discharge of duties, the country owes them a debt of lasting gratitude. If it should be thought necessary, in any great emer-

gency, such a Council might again be authorized, which the Governor could call around him whenever he might deem it proper to do so. But do nothing to divide the responsibility of your Chief Magistrate; always make him directly responsible. A division of responsibility but weakens the whole, and takes away that direct accountability which is so essential to all energy and decision. Any other form makes hesitation and division, which, in the midst of a progressive revolution, is of deep injury to the public service, particularly in all military matters.

As I am soon to retire from office, I may be permitted to say, that when appointed to preside as Chief Magistrate of the State, I had just returned from abroad. I had comparatively but little personal acquaintance with those who had been of late years on the public stage. My difficulties were embarrassing. We had been habituated to indulgence by long years of peace, and were utterly unprepared for this gigantic struggle. I never, for a moment, doubted we would have war, as will be seen from the first steps taken the day after I was sworn into office.

The State acted alone, rose erect and defied power. I determined that she should lose her existence rather than lose her honor. As the storm grew dark around her banner, and many were in doubt, I watched the star of her destiny as it twinkled and flashed above the horizon, and I looked with Eastern devotion to that star alone. Many supposed themselves wronged, and their counsels neglected, but it was because I had no other light to guide my path, save the rays that ever fell from that star before me.

We have passed the worst. If we are true to ourselves, and if our forces are directed with judgment, we cannot be conquered. But instead of relaxation, we must rely solely upon our own strong arms, and redouble all our energies to meet any and every event.

We have suffered much, and may suffer more, but if we humbly rely upon a superintending Providence, we will go through in triumph. Let us remember that no people ever yet reached a high destiny without an abiding faith in the dispensation of justice from a Supreme Being.

F. W. PICKENS.

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